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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,125	01/14/2002	Takchiro Yoshida	00862.022489	6870
5514	7590	12/08/2005		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER BAKER, CHARLOTTE M	
			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/043,125

Applicant(s)

YOSHIDA, TAKEHIRO

Examiner

Charlotte M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/28/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.



## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The disclosure is objected to because of the following informalities: p. 9, ln.8, replace "signal" with --signals--; p. 19, ln. 19, replace "through" with --though--; p. 21, ln. 5 and 8, replace "AS" with --As--.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: replace "a extracting unit" with --an extracting unit--. Appropriate correction is required.
4. Claim 7 is objected to because of the following informalities: replace "a encoder unit" with --an encoder unit--. Appropriate correction is required.
5. Claim 20 is objected to because of the following informalities: replace "to be associated encoded information" with --to be associated with encoded information--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 45 and 46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The program code claimed is merely a set of



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instructions per se. Since the program code is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 17-27 and 39-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama (5,084,770).

**Regarding claim 1:** Nakayama discloses an accepting unit (Fig. 1, operator console 71) that accepts designation of a destination to be associated with encoded information (compressed image data, col. 5, ln. 20-22); a storage (Fig. 1, RAM 63) that stores information to be transmitted to the designated destination (col. 3, ln. 31-33); a extracting unit (Fig. 1, CPU 61) that extracts information of identical/having an identical destination and type (Fig. 2) from the information stored in said storage unit (Fig. 1, RAM 63); and a transmitter (Fig. 1, image transmitting apparatus via Modem and NCU 66) which batch-transmits the pieces of information extracted by said extracting unit (Fig. 1, CPU 61).

**Regarding claim 2:** Nakayama satisfies all the elements of claim 1. Nakayama further discloses a merging unit (“lump” or multi-batch-transmission function of the image transmitting apparatus, col. 3, ln. 54-58) that merges the pieces of information extracted by said extracting unit (Fig. 1, CPU 61) into a smaller number of pieces of information, wherein said transmitter



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(Fig. 1, image transmitting apparatus via Modem and NCU 66) transmits the information merged by said merging unit ("lump" or multi-batch-transmission function of the image transmitting apparatus, col. 3, ln. 54-58) to the designated destination (Fig. 2).

**Regarding claim 3:** Nakayama satisfies all the elements of claim 1. Nakayama further discloses wherein said transmitter (Fig. 1, image transmitting apparatus via Modem and NCU 66) transmits the extracted information (Fig. 2) by originating calls fewer in number than the pieces of extracted information ("lump" or multi-batch-transmission function of the image transmitting apparatus, col. 3, ln. 54-58).

**Regarding claim 4:** Nakayama satisfies all the elements of claim 3. Nakayama further discloses wherein said transmitter (Fig. 1, image transmitting apparatus via Modem and NCU 66) transmits the extracted information (Fig. 2) by originating a single call (col. 3, ln. 54-58 and col. 4, ln. 3-7).

**Regarding claim 5:** Nakayama satisfies all the elements of claim 1. Nakayama further discloses a first extracting component (Fig. 1, CPU 61) (Fig. 2, start time) that extracts pieces of information having an identical of destination (Fig. 2, receiver terminal) from information stored in said storage unit (Fig. 1, RAM 63); and a second extracting component (Fig. 1, CPU 61) (Fig. 2, receiving terminal) that extracts pieces of information of identical type from the pieces of information extracted by said first extracting component (Fig. 2, start time) (col. 3, ln. 54 through ln. 12).

**Regarding claim 17:** Arguments analogous to those stated in the rejection of claim 1 are applicable.



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**Regarding claim 18:** Arguments analogous to those stated in the rejection of claim 2 are applicable.

**Regarding claim 19:** Arguments analogous to those stated in the rejection of claim 3 are applicable.

**Regarding claim 20:** Nakayama discloses an input unit (Fig. 1, operator console 71) that inputs a destination to be associated with encoded information (compressed image data, col. 5, ln. 20-22); a storage (Fig. 1, RAM 63) that stores pieces of information to be transmitted to the input destination (col. 3, ln. 31-33); an extracting unit (Fig. 1, CPU 61) that extracts pieces of information which are common in terms of destination (Fig. 2, Receiver Terminal) from the pieces of information stored in said storage unit (Fig. 1, RAM 63); a classifying unit (reservation number assigned when data of a document is input, col. 4, ln. 13-16) that classifies the information extracted by said extracting unit (Fig. 1, CPU 61) according to information type (Fig. 2); a generator unit (Fig. 1, print 68) that generates an information group (reservation receipt, col. 4, ln. 58-64 and Fig. 3) constituted by information of the same type (Fig. 2); and a transmitter (Fig. 1, image transmitting apparatus via Modem and NCU 66) that transmitting the information for each of generated information groups (Fig. 2 and col. 4, ln. 3-12).

**Regarding claim 21:** Nakayama satisfies all the elements of claim 20. Nakayama further discloses wherein said transmitter (Fig. 1, image transmitting apparatus via Modem and NCU 66) transmits the extracted information (Fig. 2) by call originations fewer in number than the pieces of information (“lump” or multi-batch-transmission function of the image transmitting apparatus, col. 3, ln. 54-58).



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**Regarding claim 22:** Nakayama satisfies all the elements of claim 21. Nakayama further discloses wherein said transmitter (Fig. 1, image transmitting apparatus via Modem and NCU 66) transmits the pieces of extracted information (Fig. 2) by originating a single call (col. 3, ln. 54-58 and col. 4, ln. 3-7).

**Regarding claim 23:** The structural elements of apparatus claim 1 perform all of the steps of method claim 23. Thus, claim 23 is rejected for the same reasons discussed in the rejection of claim 1.

**Regarding claim 24:** Nakayama satisfies all the elements of claim 23. The structural elements of apparatus claim 2 perform all of the steps of method claim 24. Thus, claim 24 is rejected for the same reasons discussed in the rejection of claim 2.

**Regarding claim 25:** Nakayama satisfies all the elements of claim 23. The structural elements of apparatus claim 3 perform all of the steps of method claim 25. Thus, claim 25 is rejected for the same reasons discussed in the rejection of claim 3.

**Regarding claim 26:** Nakayama satisfies all the elements of claim 25. The structural elements of apparatus claim 4 perform all of the steps of method claim 26. Thus, claim 26 is rejected for the same reasons discussed in the rejection of claim 4.

**Regarding claim 27:** Nakayama satisfies all the elements of claim 23. The structural elements of apparatus claim 5 perform all of the steps of method claim 27. Thus, claim 27 is rejected for the same reasons discussed in the rejection of claim 5.

**Regarding claim 39:** The structural elements of apparatus claim 17 perform all of the steps of method claim 39. Thus, claim 39 is rejected for the same reasons discussed in the rejection of claim 17.



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**Regarding claim 40:** Nakayama satisfy all the elements of claim 39. The structural elements of apparatus claim 18 perform all of the steps of method claim 40. Thus, claim 40 is rejected for the same reasons discussed in the rejection of claim 18.

**Regarding claim 41:** Nakayama satisfy all the elements of claim 39. The structural elements of apparatus claim 19 perform all of the steps of method claim 41. Thus, claim 41 is rejected for the same reasons discussed in the rejection of claim 19.

**Regarding claim 42:** The structural elements of apparatus claim 20 perform all of the steps of method claim 42. Thus, claim 42 is rejected for the same reasons discussed in the rejection of claim 20.

**Regarding claim 43:** Nakayama satisfy all the elements of claim 42. The structural elements of apparatus claim 21 perform all of the steps of method claim 43. Thus, claim 43 is rejected for the same reasons discussed in the rejection of claim 21.

**Regarding claim 44:** Nakayama satisfy all the elements of claim 43. The structural elements of apparatus claim 22 perform all of the steps of method claim 44. Thus, claim 44 is rejected for the same reasons discussed in the rejection of claim 22.

**Regarding claim 45:** Arguments analogous to those stated in the rejection of claim 17 are applicable. A recording medium that stores program code is inherently taught as evidenced by the CPU 61 and various memories stored therein.

**Regarding claim 46:** Arguments analogous to those stated in the rejection of claim 20 are applicable. A recording medium that stores program code is inherently taught as evidenced by the CPU 61 and various memories stored therein.



***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 6-16 and 28-38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama in view of Hayashi et al. (6,426,809).

**Regarding claim 6:** Nakayama satisfies all the elements of claim 5. Nakayama further discloses and the information is image data (col. 3, ln. 34-43).

Nakayama fails to specifically address a color facsimile.

Hayashi et al. wherein the information processing apparatus is a color facsimile apparatus (col. 1, ln. 9-11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a color facsimile apparatus for transmitting image information (data).

**Regarding claim 7:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 6. Nakayama further discloses a reader unit (Fig. 1, image scan unit 64) that reads image data (col. 3, ln. 34-35); the image data read by said reader unit (Fig. 1, image scan unit 64) (col. 3, ln. 34-35); wherein said extracting unit (Fig. 1, CPU 61) extracts encoded (compressed) image data as the information.

Nakayama fails to specifically address an encoder unit or encoding methods.

Hayashi et al. disclose encoder unit (Fig. 1, compressor 12a-12c) that encodes by a predetermined encoding method (col. 4, ln. 48-64).



It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a color facsimile, which uses coding to transmit a color image; therefore an encoding unit would have to be installed in order to transmit color images.

**Regarding claim 8:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 6.

Nakayama further discloses a determining unit (col. 5, ln. 12-28; I, P, and J file) that determines whether a plurality of image data read by said reader unit (Fig. 1, image scan unit 64) have a predetermined relationship to each other (Fig. 2); based on a determination (Fig. 2) made by said determining unit (col. 5, ln. 12-28; I, P, and J file).

Nakayama fails to specifically address an encoder unit or encoding methods.

Hayashi et al. disclose wherein said encoder (Fig. 1, compressor 12a-12c) performs encoding by selecting an encoding method (col. 4, ln. 48-64).

**Regarding claim 9:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 8.

Nakayama discloses wherein the predetermined relationship (Fig. 2) is a relationship that is established when the plurality of image data (col. 3, ln. 54-58) are of the same type.

**Regarding claim 10:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 9. said determining unit (col. 5, ln. 12-28; I, P, and J file) determines that the plurality of data have the predetermined relationship (Fig. 2).

Nakayama fails to specifically address monochrome image data or encoding unit.

Hayashi et al. disclose whenever all the plurality of image data is monochrome image data (single color); and said encoder unit (Fig. 1, compressor 12a-12c) encodes the plurality of monochrome image data (single color) by using a binary encoding method (col. 4, ln. 48-64).



It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the option of monochrome image data and an encoding unit in order to transmit a single color image data.

**Regarding claim 11:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 10.

Nakayama fails to specifically address MH encoding.

Hayashi et al. disclose wherein the binary encoding method is MH encoding (col. 4, ln. 55-64).

**Regarding claim 12:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 10.

Nakayama fails to specifically address MR encoding.

Hayashi et al. disclose wherein the binary encoding method is MR encoding (col. 4, ln. 55-64).

**Regarding claim 13:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 10.

Nakayama fails to specifically address MMR encoding.

Hayashi et al. disclose wherein the binary encoding method is MMR encoding (col. 4, ln. 55-64).

**Regarding claim 14:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 10.

Nakayama fails to specifically address JBIG encoding.

Hayashi et al. disclose wherein the binary encoding method is JBIG encoding (col. 4, ln. 55-64).

**Regarding claim 15:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 9.

wherein said determining unit (col. 5, ln. 12-28; I, P, and J file) determines that the plurality of data do not have the predetermined relationship (Fig. 2 and col. 4, ln. 8-12).



Nakayama fails to specifically address monochrome image data or an encoder.

Hayashi et al. whenever not all the plurality of image data is monochrome image data (different encoding dependent upon type of data), and said encoder (Fig. 1, compressor 12a-12c) encodes the plurality of image data by a multilevel encoding method (col. 4, ln. 58-64).

**Regarding claim 16:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 15.

Nakayama fails to specifically address JPEG encoding.

Hayashi et al. disclose wherein the multilevel encoding method is JPEG encoding (col. 4, ln. 58-64).

**Regarding claim 28:** Nakayama satisfies all the elements of claim 23. The structural elements of apparatus claim 6 perform all of the steps of method claim 28. Thus, claim 28 is rejected for the same reasons discussed in the rejection of claim 6.

**Regarding claim 29:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 28. The structural elements of apparatus claim 7 perform all of the steps of method claim 29. Thus, claim 29 is rejected for the same reasons discussed in the rejection of claim 7.

**Regarding claim 30:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 29. The structural elements of apparatus claim 8 perform all of the steps of method claim 30. Thus, claim 30 is rejected for the same reasons discussed in the rejection of claim 8.

**Regarding claim 31:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 30. The structural elements of apparatus claim 9 perform all of the steps of method claim 31. Thus, claim 31 is rejected for the same reasons discussed in the rejection of claim 9.



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**Regarding claim 32:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 31.

The structural elements of apparatus claim 10 perform all of the steps of method claim 32. Thus, claim 32 is rejected for the same reasons discussed in the rejection of claim 10.

**Regarding claim 33:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 32.

The structural elements of apparatus claim 11 perform all of the steps of method claim 33. Thus, claim 33 is rejected for the same reasons discussed in the rejection of claim 11.

**Regarding claim 34:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 32.

The structural elements of apparatus claim 12 perform all of the steps of method claim 34. Thus, claim 34 is rejected for the same reasons discussed in the rejection of claim 12.

**Regarding claim 35:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 32.

The structural elements of apparatus claim 13 perform all of the steps of method claim 35. Thus, claim 35 is rejected for the same reasons discussed in the rejection of claim 13.

**Regarding claim 36:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 32.

The structural elements of apparatus claim 14 perform all of the steps of method claim 36. Thus, claim 36 is rejected for the same reasons discussed in the rejection of claim 14.

**Regarding claim 37:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 31.

The structural elements of apparatus claim 15 perform all of the steps of method claim 37. Thus, claim 37 is rejected for the same reasons discussed in the rejection of claim 15.

**Regarding claim 38:** Nakayama in view of Hayashi et al. satisfy all the elements of claim 37.

The structural elements of apparatus claim 16 perform all of the steps of method claim 38. Thus, claim 38 is rejected for the same reasons discussed in the rejection of claim 16.



***Conclusion***

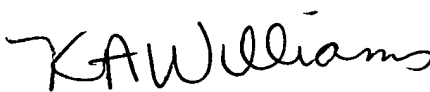
**12.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuwahara et al. (6,894,799).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CMB

  
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